

APR 17 1995

Secretary, FCC
Washington, DC

April 17, 1995

DOCKET FILE COPY ORIGINAL

Dear Sirs,

I am writing this letter concerning File # RM-8626.
I urge you to deny the request made by Amateur Radio Operator Fred Maia. Morse code practice and Amateur Radio News Bulletins transmitted by W1AW (American Radio Relay League) are an extremely valuable service to Amateur Radio Operators and prospective Amateur Radio Operators. The loss of this service could prove detrimental to the hobby. Individuals who are learning the code or are trying to increase their code copying speed listen to W1AW regularly.

Mr. Maia has been very instrumental in bringing new people to the hobby. He has written a complete set of study guides for all the Amateur License classes. Why would he want the most accessible form of code practice to cease? His request is not in line with his encouragement to prospective Radio Amateurs or to Radio Amateurs wishing to upgrade to a higher license class.

I have been licensed since 1969 and I would hate to see such a valuable service terminated. Please deny Mr. Maia's request as stated in File # 8626.

Sincerely,

George A. Robinson
George A. Robinson WA3LVR
103 Ridgewood Cir.
Downingtown, PA 19335

CC: ARRL
Raymond A. Kowalski, Keller & Heckman

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April 14 1995

Secretary Federal Communications Commission
Washington DC 20554

Ref: **RM-8626**

Dear FCC:

Randy Wendel - NØFKU
8539 Bryant Avenue South
Bloomington MN 55420-2147
612-888-5853

RECEIVED

APR 24 1995

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ROOM 1000

I wish to, in brief, express my opposition to RM-8626 filed by Mr. Fred Maia-W5YI regarding the elimination of one-way broadcast-type transmissions on amateur radio service HF bands below 30Mhz.

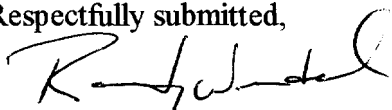
Mr. Maia has filed the petition due to his belief that one-way broadcast-type transmissions on the HF bands cause detrimental radio operating chaos by radio amateurs possibly using these few, but published frequencies where these transmissions occur. Mr. Maia continues to believe, as stated in his petition, that the end result of these "interruptive" one-way transmissions set a bad example for newcomers to the amateur radio service, recklessly going on the air without prior checking the status of the frequency, where these one-way transmissions knowingly take place.

There are varied-types of subjects that fall into the topics of these one-way "broadcast" type transmissions, most of which serve the wide interests of the average radio amateur. Not only do these transmissions include educational and scientific topics of concern and interest, they also serve to inform the amateur radio community of pertinent news and information...providing updated information as to the latest items that may affect them. It is these very transmissions that provide affecting news...notably this very subject of which I am writing. It would seem senseless to eliminate an informative means of "communications" by abolishing these transmissions in a radio service/spectrum whereby these transmissions are often depended upon, which assist, through their varied topics, to further the purpose and fundamentals of the amateur radio service.

It is my belief that the average radio amateur is very much aware that one-way broadcast-type transmissions *do* exist, and therefore have some educated knowledge of the frequencies and times these transmissions may occur. I also believe that those radio amateurs who are "maliciously" interfered with by these one-way transmissions calculate to be a very small percentage. These one-way transmissions use just a fraction of the entire amateur radio spectrum. If there is any concern (such as expressed by Mr. Maia) for "setting a bad example" or "causing malicious interference", then the effective resolution should begin with the minority of radio amateurs themselves who carelessly and willfully cause interference with these transmissions, and, even more evident, with *each other*, creating the real problems that exist in the amateur radio spectrum.

I oppose RM-8626.

Respectfully submitted,



Randy Wendel, NØFKU
Amateur Radio Advance Class licensee

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

APP: 1205

In the Matter of

Request Amendment of Commission's
Rules to Eliminate Certain One-Way
Communications in the Amateur Radio
Service in Medium and High
Frequency Bands

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) RM-8626
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Comments of William R. Slye, Jr.
708 Doages Dr.
Millersville, MD 21108

I am William R. Slye, Jr, N3DDX, holding an extra class amateur license. I was first licensed in 1956 as KN4IOV and have been an active amateur operator for over 30 years. During this time I have witnessed significant changes in the operating environment in the amateur bands below 30 MHz. The phone bands were usually crowded, but the advent of single-sideband modulation helped for a while. Now the bands are again crowded, and the amateur community is requesting additional spectrum, some in bands below 30 MHz.^{1/}

Amateur activity has usually been thought of as an exchange of information, with broadcasting not generally permitted. National amateur organizations were permitted to transmit bulletins of interest to the amateur community, and code practice as an aid to amateur proficiency. These bulletins were of interest to those who had no other way to conveniently receive this information. Now, however, amateur stations under the pretext of dissemination of amateur information, transmit on the phone bands without caring if the frequency is in use, and transmit warnings against interfering with their transmissions. Amateurs protesting the usurping of their band at times show this by willful interference with the broadcast. Further, these transmissions are capable of being received internationally, and are probably of little interest to those outside the United States.

Today, however, information on amateur activities is available through many publications available at newsstands, and often via packet radio. The importance to the amateur of over-the-air news via HF telephony has greatly diminished with time. I feel that unneeded, one-way, high-power telephony transmissions, and requests for

^{1/} See NTIA Special Report 94-31, U.S. National Spectrum Requirements: Projections and Trends, pages 166-167.

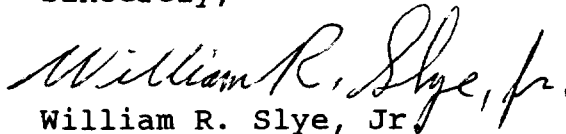
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additional amateur HF spectrum are not in consonance. Amateur HF spectrum is too valuable to be used for this purpose without a special case-by-case review of the purpose and usefulness of each transmission. Consequently, I am in favor of the elimination of one-way HF telephony transmissions.

The transmission of one-way CW for the purpose of Morse proficiency, however, is different in several ways. First, less spectrum is used on a per-transmission basis. Second, it is of significant benefit to amateur operators worldwide to be able to receive CW at a known speed in a real-world environment. Computer-generated Morse CW and audio tapes cannot duplicate the experience of trying to copy CW through varying propagation conditions, noise and other signals.

In summary, I am in favor of eliminating one-way telephony in the bands below 30 MHz, but retaining one-way CW transmissions when used for the purpose of increasing CW proficiency.

Sincerely,

A handwritten signature in cursive script that reads "William R. Slye, Jr.".

William R. Slye, Jr.
N3DDX

write\oneway.wrs

Vivian G. Lopez, Esq., AA2TW
1264 Pierce Street
Rahway, New Jersey 07065-3932

April 19, 1995

DOCKET FILE COPY ORIGINAL APR 24 1995

Secretary
Federal Communications Commission
Washington, DC 20554

Re: RM-8626; Petition for Rulemaking by Frederick O. Maia, W5YI
Requesting Amendment of the Commission's Rules to Eliminate Certain
One-Way Communications in the Amateur Radio Service Medium and High
Frequency Bands

Dear Sir/Madam:

Please accept the comments below in response to your solicitation of same by
Public Notice of April 4, 1995.

Section 303(m) of the Communications Act of 1934 gives the Commission the
authority to suspend the license of any operator who has "willfully or
maliciously interfered with any other radio communications or signals." The
problem petitioner describes falls squarely within the noted statutory
prohibition, and should be reported factually to the Commission for action
rather than used as a rationale to request amendment of nationwide regulations
prohibiting all related activity under 30 MHz in one fell swoop.

Commission furtherance of this petition would take away from the amateur and
non-amateur community valuable, costless services because of the alleged bad
manners and illegal activities of a very few.

I would wish that I were incorrect in my impression of the captioned petition
as an example of a company formally asking a government agency to legislate
away competition. The rulemaking petition appears to be thinly disguised
commercial avarice. Petitioner offers products and services for a fee.
Others offer the same for free. The former seeks to eliminate the latter,
using the Federal Communications Commission as a vehicle. I hope I am wrong.

Petitioner's arguments in support of his request are non-arguments. This
objectionable attempt to convince the Commission to deprive amateur radio
operators of free code practice and information is at conflict with W5YI's
status as a VEC. I am puzzled as to how the Commission can continue to
legitimize what now more than ever before surely walks and talks like a
conflict of interest.

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Comment on Rule Petition Page Two

I as an amateur radio operator have purchased some of petitioner's products. My experience with those products has been a positive one. Is the economy so bad that the petitioner cannot successfully compete in a growing marketplace for amateur radio products and information without resorting to this?

The Petitioner

The description of the petitioner focusses on his concern for amateur radio. But, examine the sentence, "[b]esides his life-long interest in amateur radio as a hobby, Mr. Maia is committed to serving the Amateur Radio Service through several related activities." Expressed so casually is the root of the problem with this petition. Those "several related activities" are for profit, a concept basic to a business-oriented society, but at odds with the principles of amateur radio.

I have not experienced nor have I heard of the problem petitioner describes. Perhaps if I had heard it on HF, my opinion would be colored a tint differently. I cannot believe, though, that the solution to a problem is to throw away the baby with the bathwater.

Petitioner might better consider providing high quality broadcasts of code practice and information of interest to the amateur radio community. He could provide an example to those operators who offend. Or, better to document and refer instances of the poor operating practices described in the petition to the FCC for prosecution rather than make the services themselves illegal.

The American Radio Relay League, which also markets amateur radio-related products, competes with itself by also offering "free" information bulletins and code practice sessions to members and non-members alike. The on-air code practice sessions are non-repetitive and superior to tapes that are memorized before they are learned.

The Need for a Rule Change

On the one hand, petitioner points to crowded band conditions and the increase occurring in the ranks of the amateur radio service since introduction of the no-code tech license. On the other hand, petitioner expresses concern over the "level of anger" and the degree to which the resulting malicious interference impacts on relatively new amateurs as a result of instances of bad manners by "bulletin stations." It certainly has not discouraged entry into the ranks of amateur radio operators, nor has it apparently discouraged upgrading. The "Technician VHF Amateur" operators, because of their limited privileges, spend less time below 30 MH than amateurs with higher licenses. Petitioner's logic in concluding that eliminating code practice and amateur informational broadcasts below 30 MH would cure a perceived "crisis" of bad example is unclear at best.

Petitioner's concern about international relations is unfounded. When the overwhelming majority of a population works dx with traditional amateur radio courtesy, the small minority will not cause the damage alleged.

Permissible One-Way Transmissions

Petitioner here criticizes the information bulletin exception in Section 97.3(a)(23) as too broad. Petitioner does not suggest rephrasing the exception itself more precisely, perhaps. Petitioner instead sweepingly requests that the exception be eliminated below 30 MHz. Why not above? It is impossible to avoid the inference that the limited activity on 6 meters and the primarily local nature of VHF communications do not provide the objectionable competition petitioner is really concerned about.

A Pattern of Growing Abuse

I do not challenge petitioner's description of poor operating practices. They exist. In the few years I have been involved in the hobby, I have experienced them as have most other amateurs. I do challenge petitioner's "pattern." There has always been and, sadly, probably always will be a tiny percentage of licensed amateurs who abuse their privileges. There are more amateur radio operators now than there have ever been before. The small percentage of abusers is vocal, noticeable and occasionally an embarrassment to the hobby. Would not a more productive effort be focussed on identifying and punishing abusers?

With respect to this growing "pattern," I must plead ignorance. No one in my club of 150 members, the Tri-County Radio Association where I am a trustee, has ever mentioned the pattern, crisis or chaos described in the petition. No one among many members active on HF has ever mentioned bulletin stations as a problem. I assume that if they are not interested, they do not listen. If the bulletin stations identify, which by law they must, then their poor operating practices can be reported and dealt with. If the content of their bulletins is improper, they should be censured by the Commission.

Argument

How presumptuous of petitioner to suggest amateur radio operators use telephone lines and pay to link up to on-line computer services. How remarkable that "code practice is now easily accomplished via software training and simulation programs." There are commercial newsletters available, too, such as petitioner's. Again, one cannot avoid the implication that between the lines petitioner is suggesting amateurs should not listen to the free broadcasts he complains about, but rather amateurs should purchase his products and services.

If petitioner's "argument" is that the Commission should accomplish a sweeping elimination of free services by changing its rules on the basis that there are alternative paid services available, the argument is unpersuasive.

Comment on Rule Petition Page Four

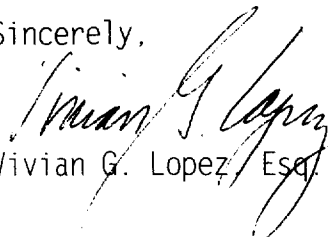
Petitioner's argument echoes recent controversy over whether Internet is inherently bad because of the small proportion of objectionable material accessible to users. It is analogous to arguing the "elimination" of the Internet because a few abusers are making offensive material available on that medium.

Conspicuously lacking in the petition is any factual or even anecdotal basis for the request being put forth.

I request the Commissioners provide this petition with the de minimis attention it warrants.

Thank you for considering my comments.

Sincerely,



Vivian G. Lopez, Esq., AA2TW

c: Raymond A. Kowalski, Esq.

To: Secretary
FCC
Washington, DC 20554

From: David J. Brown - W9CGI
14670 N. Cumberland Rd.
Noblesville, IN 46060

Re: Petition RM - 8626 W5YI / Bulletin transmissions

Sirs:

As the old quote goes, " Me thinks the man protests too much ! ". I cannot believe that this is any less than a blatant attempt to increase the circulation of his own publication (over which you have no control), by the elimination of competition from on air services (over which you exercise total control) .

Let me say from the beginning, I have the greatest respect for the W5YI report and the services it has performed so well for years. I took it myself, and later began just looking at the copy taken by our amateur radio club station and library here at Thomson CEB, Indianapolis. I might agree somewhat with Mr. Maia, with regard to a few 20 Meter ham band "so called" bulletin stations of late, that seem to do little but spew forth the ideas and ideals of the originator, but must side (for once) with the ARRL position (or I "think" it is an overall position on their part), that to destroy the whole thing because of the actions of a few is EXACTLY like the baby/bath water routine...

As I don't always agree with the ARRL in attitude OR position, it is a bit hard to say this, but they ARE our "official" representative body. Further, they have, in my opinion, stuck to what a bulletin station SHOULD be about - the REPORTING of news relative to ham radio, and giving services (code practice, etc.) needed or required BY that service. If the FCC did away with the code requirement for licensing, I'm sure W1AW would cease code practice.

If I may cast my vote and opinion, it would be for leaving ARRL alone in their W1AW endeavors - so long as they remain a neutral and unbiased reporting facility, and if necessary HANG the others WHEN (and ONLY when) they step way over the line. The freedom of speech thing only stretches so far, and we don't need "broadcasting" in the amateur band, no matter whose OPINIONS they are. ARRL/news/W1AW is one thing. Political hacking, ham bashing, and a few others I have heard of late is quite another. I hesitate to even bring up the enforcement issue directly to the FCC, as we hams have long been proud of our ability and WILLINGNESS to police our own. There are times , however, when we can also be ASHAMED of SOME of our own - and their actions.

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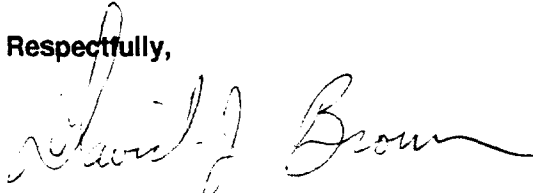
From: David J. Brown - W 9 C G I
14670 N. Cumberland Rd.
Noblesville, IN 46060

p 2.

Re: Petition RM - 8626 W5YI / Bulletin transmissions

I have faith that you will view this petition for rule making for just what it is. A ploy by yet another to make the good old American BUCK. And Mr. Maia - for shame. You are a businessman, but you are first (on the ham bands) A HAM. I apologize if your intentions are pure, and directed toward the same trash we all would like to see go away on 20 Meters, but if that is so, then PLEASE, sir; amend your petition to EXCLUDE the meritorious actions of the ARRL thru their station facility W1AW.

Respectfully,

A handwritten signature in cursive script, appearing to read "David J. Brown".

David J. Brown - W 9 C G I

cc: (5) Commission
(2) W5YI & atty
(1) Wayne Green, 73 magazine
(1) ARRL Headquarters
(1) file

11 April, 1995

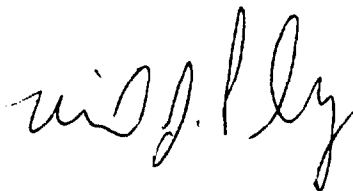
To: Secretary
FCC
Washington, DC 20554

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Xc: Raymond A. Kowalski
Keller and Heckman
1001 G Street NW
Washington, DC 20001

APR 11 1995

From: Michael J. Pulley, WB4ZKA
2708 N. Pennington Drive
Chandler, AZ 85224-2252



SUBJECT: OPPOSING COMMENTS ON MR. MAIA'S PETITION (RM-8626)

Mr. Frederick O. Maia's petition to eliminate all one-way transmissions in the amateur bands below 30 MHz unnecessarily burdens amateurs and restricts bona fide emergency communications.

The proposal forces computer and computer network access to become de facto requirements for licensing and normal amateur activity. Mr. Maia proposes that aspiring radio amateurs, especially those in rural areas not served by VHF and UHF repeaters, must first acquire and qualify on a computer in order to learn the Morse code to qualify for amateur radio. Amateur radio is a different pursuit than computer activity. While some radio amateurs may find them useful, computers cannot be a requirement to amateur radio participation. The bulletins and Morse code practice are already available through our HF (below 30 MHz) radios.

Widespread emergencies demand accurate and timely information. Amateur operators, especially in rural areas, rely heavily on the amateur bands below 30 MHz to gather and disseminate situation reports and requests for assistance quickly. One-way transmissions in the form of weather warnings, road condition advisories, requests for volunteers, evacuation orders, and general instructions are central to emergency communication networks.

Computer networks typically fail in widespread emergencies. Therefore, the amateur frequencies below 30 MHz must continue to conduct all the necessary communications, including one-way transmissions, as permitted under current rules.

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FCC MAIL ROOM

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Secretary
Federal Communications Commission
Washington, DC 20554

April 14, 1995

RE: Petition for Rule Making (RM-8626)

I am very opposed to the above referenced Petition for Rule Making, which would eliminate rules permitting one-way information bulletins and Morse Code practice transmissions on Amateur Radio Service frequencies under 30 MHz.

The services provided by W1AW and other bulletin stations are a vital information link which serve amateurs in my area on a daily basis. In parts of the country where VHF/UHF packet radio and repeater infrastructure is less developed, W1AW HF bulletins provide a primary means of receiving the most current information pertaining to the Amateur Radio Service.

When I first started studying to become an Amateur Radio operator, I listened to W1AW Morse Code practice bulletins on a daily basis. Through the use of this service, I was able to upgrade to the Amateur Extra Class. Now, I am involved in teaching Amateur Radio Classes that includes the Morse Code to perspective amateurs or to fellow amateurs who wish to upgrade their existing licenses. I use W1AW as part of the study, and personally know many amateurs who have used W1AW's morse code practice transmissions to acquire the skills necessary to pass a telegraphy examination. Copying Morse Code over a receiver is more difficult than from a tape player, and has additional variables like propagation shifts, interference (man-made and natural), etc. It prepares one for actual operation once their license arrives. W1AW's Morse Code Practice provides copy material that can be cross checked with magazine articles for accuracy.

I copy W1AW's morse code bulletins on a regular basis to maintain my morse code proficiency at higher speeds, and to get the most up-to-the-minute information. I also copy their RTTY bulletins, which is where I learned of this Petition for Proposed Rule Making. Amateurs continue to depend on W1AW Morse Code practice bulletins for daily code practice.

I depend on the daily W1AW bulletin transmissions on the 80 and 40 meter bands, since I'm not on the VHF packet bulletin board systems in my area and do not always receive the latest bulletins on Fido in a timely manner. The loss of these services on HF frequencies would create a significant disaccommodation to large numbers of amateurs.

Please do not allow this petition for Rule Making to pass, as I feel it would be an action which would deprive thousands of amateurs of the valuable services from W1AW and other HF bulletin stations.

I strongly urge denial of this petition. If adopted, it would have a devastatingly negative impact on the amateur community.

David E. Hockaday WB4IUY

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APR 24 1995

FCC MAIL ROOM

Secretary
FCC
Washington DC 20554

Comments on RM-8626

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Dear Sir,

This letter is in support of the one way informateon bulletins and international morse code practice transmission that are now allowed in the amateur radio bands. I used regular morse code practice every day for 2 weeks to develop the proficiency and confidence to take and pass the exam for the general class amateur license. Over the air code practice is the best way to learn morse code proficiently. Over the air voice bulletins have been vary useful throughout my amateur lifetime. The RM-8626 petition is unnessary.

Sincerely,

Larry Lambert

Larry Lambert NOLL
405 Shelton Dr.
Smith Center, Ks
66967

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RALPH H. BROCK
LAWYER

1313 Broadway
Suite 6A

P.O. Box 959
Lubbock, Texas 79408-0959

Voice and Facsimile
806/762-5671

Thursday, April 20, 1995

Re: RM-8626

DOCKET FILE COPY ORIGINAL

Secretary
Federal Communications Commission
Washington, DC 20554

I am an extra class amateur radio operator, KG5ME. This is to oppose the Petition for Rule Making RM-8626, which seeks to eliminate the rules permitting one-way information bulletins and Morse Code practice in the amateur radio bands below 30 MHz.

The Petitioner, Fred Maia, W5YI, is a purveyor of amateur radio-related merchandise, including code practice tapes and code practice computer programs. He also publishes a subscription newsletter, the W5YI Report. As such, he has an inappropriate financial interest in filing this amateur radio-related petition. His sole and only purpose in filing the Petition is to eliminate altruistic competition that interferes with his for-profit operation; thus, it is implicit in Petitioner's proposal that one-way information bulletins and Morse Code practice, including the operations of W1AW by the American Radio Relay League (ARRL), are not out-moded or obsolete.

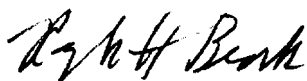
The one-way information bulletins and Morse Code practice provided by W1AW are available at no cost to any interested party with a receiver or transceiver capable of tuning the amateur radio bands. They are financed with voluntary ARRL membership dues and provided as a service of the ARRL to all listeners, regardless of whether the listener is an ARRL member or even an amateur radio operator. By contrast, the on-line computer services and code practice tapes and computer programs are generally available only through commercial providers such as Petitioner.

It is notable that while the ARRL provides one-way information bulletins and Morse Code practice in the amateur radio bands below 30 MHz., it also sells code practice tapes and computer programs, and offers subscription bulletin services. There is nothing in the rules that prohibit Petitioner from offering his own one-way information bulletins and Morse Code practice in the amateur radio bands below 30 MHz. to supplement the sale of his own code practice tapes and computer programs.

Petitioner seeks to silence one-way information bulletins and Morse Code practice that are offered as a public service by a private, non-governmental entity. The one-way information bulletins and Morse Code practice to which Petitioner objects are not financed or subsidized with any government funds. Under these circumstances, Petitioner should not be permitted to invoke this Commission's rule-making authority for his own pecuniary gain.

Petition RM-8626 should be denied.

Yours very truly,



Ralph H. Brock
RHB/

cc: Raymond A. Kowalski, Esq.
KELLER AND HECKMAN
1001 G Street NW
Washington, DC 20001

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